

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JAN 25 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Federal-State Joint Board on)
Universal Service)
Western Wireless Corporation)
Petition for Designation as an)
Eligible Telecommunications Carrier)
In the State of Wyoming)

CC Docket No. 96-45

DA 99-2511

PETITION FOR RECONSIDERATION

To: The Common Carrier Bureau

Benjamin H. Dickens
Blooston, Mordkofsky
Jackson and Dickens
2120 L Street, NW, Suite 300
Washington, DC 20037
(202) 659-0830

David Cosson
Kraskin, Lesse & Cosson, LLP
2120 L Street, NW, Suite 520
Washington, DC 20037
(202) 296-8890

January 25, 2001

No. of Copies rec'd 014
L11A B C D E

TABLE OF CONTENTS

SUMMARY	iii
PETITION FOR RECONSIDERATION	1
I. INTRODUCTION	2
II. ETC DESIGNATION IN THE AREA OF A RURAL TELEPHONE COMPANY MUST BE FOR THE COMPANY'S ENTIRE STUDY AREA UNLESS A DIFFERENT SERVICE AREA IS ESTABLISHED	4
A. The Requirement To Designate the Entire Study Area of a Rural Telephone Company is Unambiguous.	4
B. The Bureau Improperly Relied Upon the Ruling of the Texas Public Utilities Commission Which is Also Inconsistent with the Act.	6
III. PRACTICAL OPTIONS ARE LAWFULLY AVAILABLE TO RESOLVE ETC DESIGNATION APPLICATIONS INVOLVING MULTI-JURISDICTIONAL STUDY AREAS	9
A. Revise the Service Area Definition of the Rural Telephone Company	9
B. Coordinate Applications Between Jurisdictions.	10
IV. THE BUREAU IS WITHOUT AUTHORITY TO RESOLVE A NOVEL ISSUE.....	11
IV. CONCLUSION	12

SUMMARY

This Petition requests reconsideration of that portion of the decision of the Common Carrier Bureau which designated Western Wireless as an Eligible Telecommunications Carrier in portions of the study areas of Rural Telephone Companies. The decision is contrary to the requirement of Section 214(e) of the Communications Act that designation of a second eligible carrier in the area of a Rural Telephone Company must be for a service area which encompasses the entire study area of the Rural Telephone, unless and until the procedures of Section 214(e)(5) have been completed to modify the service area. The Bureau decision relies on a similar decision by the Texas Public Utility Commission, but that decision is also inconsistent with federal law, its rationale is not persuasive, and in any event, is not binding on a federal agency.

The decision finds the Commission's procedures for implementing Section 214(e)(5) inapplicable where the study areas involve more than one state, but provides no explanation for this conclusion and there is no obvious reason why such procedures cannot be invoked where multiple jurisdictions are involved. Alternatively, where a single study area, involves multiple jurisdictions, it is a simple and straightforward matter for each to grant a designation conditional upon the other jurisdiction designating the remainder. Either of these options would permit the designation of a second eligible carrier in multiple jurisdiction study areas, while still complying with the unambiguous requirement that the entire service area be designated.

To the extent the Bureau found no existing guidance in this case, then as a novel issue of first impression, the Bureau was without delegated authority to resolve the question. On the other hand, if the existing precedent is sufficient, the Bureau is obligated to follow it.

On reconsideration the designation should be modified to exclude the Wyoming portions of the study areas of the multi-state Rural Telephone Companies, unless and until the procedures of Section 214(e)(5) are followed or the remaining portions of those study areas are also designated. USAC should be directed not to disburse support to Western Wireless in those areas until these actions are completed.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Western Wireless Corporation)	DA 99-2511
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
In the State of Wyoming)	

PETITION FOR RECONSIDERATION

To: The Common Carrier Bureau:

Golden West Telephone Cooperative (“Golden West”), Project Telephone Company (“Project”), and Range Telephone Cooperative (“Range”)¹(collectively “Rural Independents” or “Petitioners”), by counsel, submit this Application for Review of one portion of the Memorandum Opinion and Order (“Order”) of the Deputy Chief of the Common Carrier, released December 26, 2000, DA 00-2896. ² Specifically, the Rural Independents seek reconsideration of that portion of the Order which designates Western Wireless as an eligible telecommunications carrier in portions of the study areas of three Rural Telephone Companies in violation of Section 214(e) of the Communications Act and Sections 0.91, 0.291, 54.201 and 54.207 of the Commission’s Rules.

¹ Range is also a petitioner in a separate Petition for Reconsideration filed today which addresses different portions of the Order. For purposes of this Petition, “Range” refers both to Range Telephone Cooperative and its wholly owned subsidiary RT Communications. Together these entities operate two study areas, one centered in Wyoming with some subscribers in Montana, the other centered in Montana with some subscribers in Wyoming.

² This Petition is filed pursuant to Section 1.106 of the Commission’s Rules.

I. INTRODUCTION

The Western Wireless Petition was filed with the Commission pursuant to Section 214(e)(6) of the Communications Act on the basis of the Order of the Wyoming Public Service Commission that it lacked jurisdiction under its organic law.³ The Bureau Order designates Western Wireless as an ETC for several service areas in Wyoming, involving exchanges served by both rural and non-rural telephone companies.⁴ For the areas of Qwest, a non-rural carrier, the Order designates the Qwest exchanges located wholly in Wyoming and the Wyoming portions of exchanges which include areas outside of Wyoming. For Range, Golden West and United Telephone Company, the Order designates only those portions of their study areas which are located in Wyoming.⁵

The Rural Independents are each directly or indirectly affected adversely by the Order. Despite the unambiguous provisions of the Act and the Commission's Rules that when Rural Telephone Companies are involved, the applicable "service area" is the company's study area, the Order designates a second ETC for a service area that is a portion of the study areas of Range and Golden West. This provision of the Act was enacted for the protection of Rural Telephone Companies, which are aggrieved by its violation. Petitioners Golden West and Range are directly affected because their study areas are governed by the Order. Petitioners Project and Range are adversely affected because the essentially identical issue is raised in another proceeding to which

³ Western Wireless Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming, Oct. 25, 1999 ("Western Wireless Petition").

⁴ Order at paragraphs 23 and 24.

⁵ Id.

they are a party.⁶

Petitioners with Wyoming service areas, other than Range, did not participate earlier in this proceeding because they had no notice that the Commission would consider designating a portion of the study area of any Rural Telephone Company as a Western Wireless service area.⁷ Western Wireless' Petition stated that it requested designation for "service areas consisting of the study areas of certain local exchange carriers that are RTCs...."⁸ In its December 20, 2000 *ex parte* Western Wireless clarified that it sought designation only for those portions of Golden West's and Range's study areas "to the extent included within the boundaries of the State of Wyoming."⁹ It was not possible for the Independents to respond to this clarification, however, because the Commission's Public Notice advising of the *ex parte* presentation was not released until December 28, 2000, six days after adoption of the order and two days after its release.¹⁰ For

⁶ Western Wireless Petition for Designation as an Eligible Telecommunications Carrier and for Related Waivers to Provide Universal Service to the Crow Reservation, Montana, Aug. 4, 1999, DA 99-1847 ("Western Wireless Crow Petition").

⁷ Petitioner Range participated in the proceeding before the Wyoming PSC as a member of an industry group and in the proceeding before this Commission as a member of the Wyoming Telephone Association.

⁸ Petition at 12 and n.24.

⁹ Letter from David L. Sieradzki, counsel for Western Wireless, to Magalie Roman Salas, FCC, Dec. 20, 2000. In the Wyoming proceeding, Western Wireless fully recognized the requirement that designation be for an entire study area, reduced its requested service area accordingly, and asked the Wyoming PSC to initiate proceedings under Section 54.207(c) to disaggregate Rural Telephone Company Study Areas. In the Matter of WWC Holding Co., Inc. Petition for Designation as an Eligible Telecommunications Carrier, Doc. No. 70042-TA-98-1, Direct Testimony of Gene DeJordy, 18-20.

¹⁰ Public Notice, *Ex Parte Presentations and Post-Reply Comment Period Filings In Permit-But-Disclose Proceedings*, No. 22721, Dec. 28, 2000. No public notice has been found of the December 19, 2000 *ex parte* presentation referenced at note 70 of the Order.

similar reasons, Petitioner Project had no notice that the Commission would consider granting ETC designation for partial study areas.

II. ETC DESIGNATION IN THE AREA OF A RURAL TELEPHONE COMPANY MUST BE FOR THE COMPANY'S ENTIRE STUDY AREA UNLESS A DIFFERENT SERVICE AREA IS ESTABLISHED

A. The Requirement To Designate the Entire Study Area of a Rural Telephone Company is Unambiguous.

Sections 214(e)(1) and (2) provide that ETC designation shall be for a designated service area and that the ETC must offer service throughout the service area.¹¹ Section 214(e)(5) provides that in the case of a Rural Telephone Company, the service area means the company's study area, "*unless and until* the Commission and the *States*, after taking into account the recommendations of a Federal- State Joint Board instituted under Section 410(c), establish a different definition of service area for such company."¹² The Commission's rules reiterate these requirements.¹³ The Order nevertheless designates Western Wireless as an ETC for only the portions of the study areas of Golden West, Range and United which are located in Wyoming.

Although the Order quotes Section 214(e)(5) in a footnote, it makes no direct reference to the interplay between Section 214(e)(5) and Sections 214(e)(1) and (2) which requires that designations of a second ETC in the area of a Rural Telephone Company be for the entire study

¹¹ 47 U.S.C. 214(e)(1) and (2).

¹² 47 U.S.C. 214(e)(5), emphasis added.

¹³ 47 C.F.R. 54.201

area.¹⁴ A possibly implicit reference to this requirement however, is the recognition that the Commission has established procedures for modifying a Rural Telephone Company's study area, but finds, without explanation, that those procedures are inapplicable to study areas that cross state boundaries.¹⁵ There is no apparent reason, however, why the Section 54.207(c) procedures could not be used in the case of more than one state, even though the reference to state is in the singular.¹⁶ The statute, however, refers to states in the plural, and requires a Joint Board recommendation, making clear that a modification proceeding could involve multiple states.¹⁷ The availability of this option, as well as others discussed below, demonstrates that alternative solutions consistent with the Act were available to the Bureau to resolve the issues raised by the existence of Rural Telephone Companies with multi-state study areas.

Western Wireless, itself, has previously recognized that the Act and the Commission's Rules require that a second ETC designation in the area of a Rural Telephone Company must be for the entire study area of the company, unless that service area is modified pursuant to Section 214(e)(5). In the Crow Reservation application, Western Wireless proposed that this Commission designate it for the entire Project study area, which is partially on the Crow

¹⁴ Order at para. 24, n.67. The sentence to which the footnote is appended, states that it is designating "as Western Wireless' service area the study areas that are located within the state of Wyoming." This sentence could be interpreted to mean only study areas entirely within Wyoming. The remainder of the paragraph makes clear, however, that the designation is for partial study areas of the Rural Telephone Companies.

¹⁵ Order at para. 24, n.71.

¹⁶ 47 C.F.R. 207(c). Two or more states could file joint or concurrent petitions.

¹⁷ 47 U.S.C. 214(e)(5).

Reservation, where Western Wireless alleges this Commission has jurisdiction under Section 214(e)(6) and partially outside the Reservation boundaries where the Montana PSC has ETC designation jurisdiction.¹⁸ In Minnesota, Western Wireless argued it should not be required to serve all of Frontier's service area because, it alleged, Frontier was not a Rural Telephone Company.¹⁹

B. The Bureau Improperly Relied Upon the Ruling of the Texas Public Utilities Commission Which is Also Inconsistent with the Act.

Because this is the first case in which this Commission has addressed the question of designation of a second ETC in a multi-state study area of a Rural Telephone Company, it is understandable that the Bureau might examine any state decisions addressing the same issue. It is axiomatic, however, that such decisions are not binding on this Commissions as interpretations of federal law, but at best should be considered for the persuasiveness of their reasoning. The

¹⁸ Western Wireless Crow Petition at 14, n.26 "Western Wireless respectfully requests designation as an ETC for the entire study area served by Project, *including the area outside the boundaries of the Crow Reservation*" (emphasis added). Project and Range opposed this suggestion for reasons consistent with the Bureau's finding that the Commission's Section 214(e)(6) jurisdiction does not extend into an area subject to state jurisdiction. (Western Wireless did not initially recognize that Range also served a portion of the Crow Reservation.)

¹⁹ In the Matter of Minnesota Cellular Corporation's Petition for Designation as an Eligible Telecommunications Carrier, *Order Granting Preliminary Approval and Requiring Further Filings*, Minnesota Public Utilities Commission, Doc. No. P-5695/M-98-1285, Oct. 27, 1999. Frontier was ultimately determined to be a Rural Telephone Company, and the Western Wireless service area configured to exclude the Frontier territory pending a Section 54.207(c) proceeding. *Public Notice*, The Minnesota Public Utilities Commission Petitions for Agreement to Redefine the Service Area of Frontier Communications of Minnesota, Inc., DA 00-2661, Nov. 29, 2000.

rationale of the Texas decision, however, is entirely unpersuasive.²⁰

In that case, Western Wireless sought ETC designation for an area which includes the one exchange of Southwest Arkansas Telephone Cooperative (“Southwest Arkansas” or “SATC”) located in Texas, but did not seek designation from the Arkansas Public Service Commission for the remaining seven exchanges located in Arkansas. The requirement of Section 214(e) that an ETC be designated for the entire study area of a Rural Telephone Company was raised at the hearing and resolved by the Administrative Law Judge (“ALJ”) by an order to Western Wireless that it seek designation in Arkansas. Both sides took exception to this order. The PUC deleted the requirement, and included the one Southwest Arkansas exchange in the Western Wireless Texas service area, concluding, in effect, that it was not bound by Section 214(e).²¹

The Texas Commission explained its rejection of the ALJ’s decision with the statement that imposing a condition requiring Western Wireless to apply for ETC status in Arkansas would effectively “preclude[] this Commission from exercising its independent authority to designate an ETC within the boundaries of Texas. Additionally, the attendant proceedings would unnecessarily delay a final resolution.”²² In essence, the Texas PUC elevated its desire to act independently over the precise requirements of the federal statute it purported to be implementing.

²⁰ The decision is currently pending review in the Texas courts. *Texas Telephone Association and Texas Statewide Telephone Cooperative, Inc. v. Public Utility Commission of Texas*, District Court of Travis County, Texas, No. GN100035, Plaintiffs’ Original Petition for Judicial Review of Public Utility Commission Order, filed January 5, 2001.

²¹ *Application of WWC Texas RSA Limited Partnership for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. 214(e)(6) and PUC Subst. R. 26.418*, Order, PUC Doc. No. 22289, Oct. 30, 2000, 7. (“Texas PUC Order”).

²² Texas PUC Order at 6-7.

Administrative convenience does not trump a statutory requirement: state commissions do not have independent authority to designate ETCs in service/study areas that involve more than one state.

In its findings of fact, the Texas PUC also stated: “There is no evidence that WWC’s application for designation in SATC’s only Texas exchange is for the purpose of allowing WWC to selectively service only high profitability/lower cost exchanges. The selection method involved was based exclusively on jurisdictional considerations.”²³ The ALJ had rejected as “form over function” the argument that Western Wireless could not be designated for the Texas portion of Southwest Arkansas’ study area only, finding that the purpose of the requirement is to prevent selective service to high profit exchanges and that there was no evidence that such was involved.²⁴

The problem with the approach of the Texas PUC and the ALJ is simply that the Communications Act does not provide anywhere an exception from the requirement to serve an entire study area of a Rural Telephone Company based on the jurisdiction of the agency hearing the application. The statute provides only one exception, and that is where the prescribed procedures have been followed to separate “service area” from “study area.” Neither a state commission nor this Commission can create additional exceptions to an unambiguous federal

²³ Id. at 13, nos. 31, 32. Southwest Arkansas contends in its appeal that there is no substantial record evidence in support of these findings.

²⁴ *Application of WWC Texas RSA Limited Partnership for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. 214(e) and PUC Subst.R.26.418*, SOAH Doc. No. 473 00 1167, Proposal for Decision, Oct 2, 2000, 7. The ALJ also found that the witness for Southwest Arkansas’s association agreed with the practical approach. On exception, the association stated its witness had not so agreed. Exceptions of Texas Telephone Association and Texas Statewide Telephone Cooperative, Inc. filed October 6, 2000.

statute, based on convenience or a desire to resolve an issue without coordination with other agencies.²⁵ As explained below, however, the foregoing does not imply that designation is not available in the area served by a Rural Telephone Company with a multi-jurisdictional study area.

III. PRACTICAL OPTIONS ARE LAWFULLY AVAILABLE TO RESOLVE ETC DESIGNATION APPLICATIONS INVOLVING MULTI-JURISDICTIONAL STUDY AREAS

The Texas ALJ dismissed the argument that an ETC designation could not be granted for a portion of a study area on the grounds that such an argument: “smacks of igotchaism.” Even ignoring the legal obligation of an agency to follow the statutes, the existence of multi-jurisdictional study areas does not create a “gotcha” for competitive ETCs. Multiple options are available and practical. Because of the first impression nature of this issue, it is understandable that the Texas PUC and the Bureau, as well as the parties on all sides, did not recognize these options, but they do exist and can be implemented consistent with the statutory requirements in a manner which allows second ETC designation in the multi-jurisdictional study areas of Rural Telephone Companies.

A. Revise the Service Area Definition of the Rural Telephone Company.

This option, as has been discussed above, is, of course, what Congress intended to deal with all manner of issues in which state and federal regulators find that the initial equivalence between “service area” and “study area” of a Rural Telephone Company should not be continued. The Act expressly contemplates that multiple states may be involved. Thus, in this proceeding,

²⁵ The Texas PUC rules establishing eligibility for the state USF also require service to the entire study area of a Rural Telephone Company, 16 Tex. Admin. Code 26.217(b)(2) and (c)(1)(B).

the Commission could have proposed to involve the adjoining states and a Joint Board to divide the service areas of the Rural Telephone Companies. The fact that nobody may have thought to invoke this procedure at the beginning of the process does not excuse ignoring the requirement that otherwise the entire study area must be designated.²⁶

B. Coordinate Applications Between Jurisdictions.

Alternatively, Western Wireless can obtain ETC status in the states where remainder of the study areas of Range and Golden West are located.²⁷ In fact, it has applications pending in South Dakota and had filed in Montana but then withdrew.²⁸ All that was really needed was for the Bureau to grant the designations subject to the condition that Western Wireless obtain ETC designation from the respective states (or the Commission)²⁹ for the portion of the study areas of

²⁶ By pointing out the availability of this option, the Rural Independents do not necessarily agree that their study areas should be subdivided for purposes of determining a second ETC's service area.

²⁷ Western Wireless has claimed in other instances that it can only offer service within the area of its cellular license. That may well be its choice based upon its business plan, but it is under no such legal impediment. The Commission, and the Courts have often cited the Act's multiple means of providing competitive service, which are subject only to the limitation that ETCs must use their own facilities *in part*. 47 U.S.C.214(e)(1)(A).

²⁸ Western Wireless Corporation, Application for Designation as an Eligible Telecommunications Carrier, Utility Division No. D98.8.190, Public Service Commission of Montana, Western Wireless Corporation's Notice of Withdrawal of Application for Designation as an Eligible Telecommunications Carrier, Nov. 3, 1999. See, Letter from Ronnie London to Magalie Roman Salas, Nov. 23, 1999.

²⁹ Western Wireless alleges, and Project and Range dispute, that the Commission has jurisdiction under Section 214(e)(6) for that portion of Range's study area located on the Crow Reservation. See, Public Notice, Common Carrier Bureau Seeks comment on Western Wireless' Supplemental Filing Relating to its Petition for Designation as an Eligible Telecommunications Carrier on the Reservation in Montana, DA 00-2327, Oct. 13, 2000 and comments filed in response thereto.

Golden West, Range and United that are outside of Wyoming.

Petitioners recognize that Western Wireless may say that it doesn't want to be an ETC in those locations, but that is precisely the point of the statute. It is no more consistent with Section 214(e) for a second ETC to be allowed to draw a line based on state (or reservation) boundaries through a study area carving out one piece that it wants to serve, than it is to draw the line for any other purpose, *unless the procedures of Section 214(e)(5) are followed.*

IV. THE BUREAU IS WITHOUT AUTHORITY TO RESOLVE A NOVEL ISSUE

Section 0.91(a) of the Commission's Rules provides that the Bureau "acts for the Commission under delegated authority in matters pertaining to the regulation and licensing of communication common carriers." Subsection (f) provides that the Bureau carries out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under Section 0.291. That section, in turn, delegates to the Chief, Common Carrier Bureau authority to perform all functions of the Bureau, subject to enumerated exceptions and limitations.³⁰

Among the limitations on delegated authority are Section 0.291(a)(2) which excludes action on applications or requests which "present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines." The Order, however, resolves an issue of first impression, the relationship between the limitation of the Commission's authority

³⁰ 47 C.F.R. 0.91, 0.291. The delegation of authority in Section 0.291 is to the Chief of the Common Carrier Bureau and there is no express authority to subdelegate that authority. Nevertheless, the Order was signed by the Deputy Chief of the Bureau, as such and not expressly on behalf of the Bureau Chief.

under Section 214(e)(6) to service areas in states without jurisdiction to issue ETC designation and the requirement of the Act and the Commission's Rules that second ETC designations in the area of Rural Telephone Companies must be for the entire study area. The Order represents the first time the Commission has used its authority under Section 214(e)(6) to designate a second ETC in the service area of Rural Telephone Companies and thus also the first where the Rural Telephone Company study area boundaries crossed state lines.³¹ The issue was thus novel as to at least fact and law, and possibly, policy. The outstanding precedents and guidelines relevant to this issue are Sections 54.201 and 54.207 of the Commission's Rules. The Order does not resolve the issue "under" these sections, but instead largely ignores the former and finds the later inapplicable. Therefore, it must be that either no precedent exists to resolve the novel question presented and the Bureau was therefore without delegated authority, or the precedent exists and was not followed. In either event the Order must be reversed.

IV. CONCLUSION

The Rural Independents are fully aware of the complexities and difficulties involved in implementation of the 1996 Amendments to the Communications Act in which a multitude of situations are presented which were not expressly contemplated by the drafters. The issue presented here, however, presents neither ambiguity nor a situation in which literal compliance with the Act would frustrate accomplishment of its objectives. The Act requires that the designation of a second ETC in the area of a Rural Telephone Company be for a service area

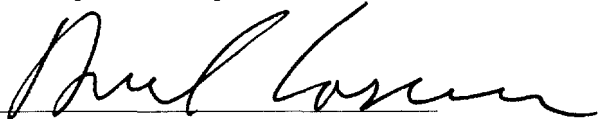
³¹ On the same day it released the Order, the Bureau also designated Cellco Partnership as an ETC in Delaware, where there are no Rural Telephone Companies. Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier, *Memorandum Opinion and Order*, DA 00-2895, released Dec. 26, 2000.

which encompasses the entire study area of that company, unless and until a different service area is established through a specified federal-state consultative procedure. There is no exception to this requirement for study areas which straddle state or other jurisdictional lines. In any event, the issue is novel and therefore not within the Bureau's delegated authority.

The Rural Independents respectfully request that, on Reconsideration, the Bureau restate the service area in Wyoming for which Western Wireless is designated as an ETC so that it includes only study areas of Rural Telephone Companies located entirely within Wyoming, unless and until the non-Wyoming portions of the study areas of the Rural Telephone Companies are also designated as ETC service areas for Western Wireless, or the service areas of the Rural Telephone Companies are disaggregated pursuant to Section 214(e)(5). In the interim, the Bureau should instruct USAC not to disburse support to Western Wireless in the Wyoming portions of the multi-state study areas.

Respectfully submitted,

Golden West Telephone Cooperative
Project Telephone Company
Range Telephone Cooperative

By: 


Benjamin H. Dickens
Blooston, Mordkofsky
Jackson and Dickens
2120 L Street, NW, Suite 300
Washington, DC 20037
(202) 659-0830

David Cosson
Kraskin, Lesse & Cosson, LLP
2120 L Street, NW, Suite 520
Washington, DC 20037
(202) 296-8890

January 25, 2001

CERTIFICATE OF SERVICE

I, Nancy Wilbourn, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that a copy of the foregoing "Petition for Reconsideration" was served on this 25th day of January, 2001 by first class, U.S. mail, postage prepaid or by hand delivery to the following parties:


Nancy Wilbourn

Michael K. Powell, Chairman *
Federal Communications Commission
445 12th Street, SW, 8th Floor
Washington, DC 20554

Susan Ness, Commissioner *
Federal Communications Commission
445 12th Street, SW, 8th Floor
Washington, DC 20554

Harold Furchtgott-Roth, Commissioner *
Federal Communications Commission
445 12th Street, SW, 8th Floor
Washington, DC 20554

Gloria Tristani, Commissioner *
Federal Communications Commission
445 12th Street, SW, 8th Floor
Washington, DC 20554

Dorothy Attwood, Chief *
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

Linda Kinney, Legal Advisor *
Office of Commissioner Susan Ness
Federal Communications Commission
445 12th Street, SW, Room 8-B115
Washington, DC 20554

Rebecca Beynon, Legal Advisor *
Office of Commissioner
Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, DC 20554

Kyle D. Dixon, Legal Advisor *
Office of Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, SW, Room 8-A204
Washington, DC 20554

Carol E. Matthey, Deputy Chief *
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C451
Washington, DC 20554

Katherine Shrodey, Chief *
Accounting Policy Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A426
Washington, DC 20554

Steve Ellenbecker, Chairman
Wyoming Public Service Commission
Hansen Building
2515 Warren Avenue, Suite 300
Cheyenne, WY 82002

Steve Furtney, Deputy Chair
Wyoming Public Service Commission
Hansen Building
2515 Warren Avenue, Suite 300
Cheyenne, WY 82002

Kristin H. Lee, Commissioner
Wyoming Public Service Commission
Hansen Building
2515 Warren Avenue, Suite 300
Cheyenne, WY 82002

Michele C. Farquhar
David L. Sieradzki
Ronnie London
Hogan & Hartson, LLP, Columbia Square
555 13th Street, NW
Washington, DC 20004-1109
Counsel for Western Wireless Corporation

Gene DeJordy
Executive Director of Regulatory Affairs
Western Wireless Corporation
3650 131st Avenue, SE, Suite 400
Bellevue, WA 98006

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter
Julie L. Rones
United States Telecom Association
1401 H Street, NW, Suite 600
Washington, DC 20005

Lolita Smith
Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry
Association
1250 Connecticut Avenue, NW, Suite 800
Washington, DC 20036

Todd B. Lantor
Personal Communications Industry
Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Mark C. Rosenblum
Stephen C. Garavito
AT&T Corporation
Room 1131M1
295 North Maple Avenue
Basking Ridge, NJ 07920

Howard J. Symons
Sara F. Seidman
Christopher H. Kallaher
Mintz, Levin, Cohn, Ferris, Glovsky &
Popeo, PC
701 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20004
Counsel for AT&T Corporation

Bruce S. Asay, Esq.
Associated Legal Group, LLC
1807 Capitol Avenue, Suite 205
Cheyenne, WY 82001

Steven R. Beck
Qwest Communications
1020 19th Street, NW, Suite 700
Washington, DC 20036

Sheryl Todd (3 copies) *
Accounting Policy Division
Common Carrier Bureau
445 12th Street, SW, Room 5-A523
Federal Communications Commission
Washington, DC 20554

International Transcription Service *
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

*** Via Hand Delivery**